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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

ROMAN SLEDZIEJOWSKI,  
  
Debtor,

Chapter 7

Case No. 13-22050 (RDD)

-----X  
JERZY MENDELKA, NDV INVESTMENT  
COMPANY, JM PROPERTY SP Z.O.O. SP. K., AND  
RYAN CAPITAL, INC.,  
Plaintiff,

Adv. Proc. No. 13-08221 (RDD)

-against-

ECF Case

ROMAN SLEDZIEJOWSKI,  
Defendant

ANSWER

-----X  
Defendants **ROMAN SLEDZIEJOWSKI** ("Defendant"), by and through his attorney, the  
Law Offices of Garvey, Tirelli & Cushner, Ltd., answers the Plaintiff's Complaint to Determine  
Dischargeability of Debt ("Complaint") in this adversary proceeding as follows:

*(The descriptive headings used herein are for convenience of reference only and are not  
intended as admissions to any of the allegations set forth.)*

**PRELIMINARY STATEMENT**

1. In response to the allegations contained in Paragraph 1 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.
2. In response to the allegations contained in Paragraph 2 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

3. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in paragraph 3 of the Complaint.

#### **THE PARTIES**

4. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in paragraph 4 of the Complaint.

5. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in paragraph 5 of the Complaint.

6. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in paragraph 6 of the Complaint.

7. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in paragraph 7 of the Complaint.

8. Defendant admits the allegations contained in paragraph 8 of the Complaint.

#### **FACTUAL ALLEGATIONS**

9. In response to the allegations contained in Paragraph 9 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

10. In response to the allegations contained in Paragraph 10 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

11. In response to the allegations contained in Paragraph 11 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

12. In response to the allegations contained in Paragraph 12 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

13. In response to the allegations contained in Paragraph 13 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

14. In response to the allegations contained in Paragraph 14 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

15. In response to the allegations contained in Paragraph 15 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

16. In response to the allegations contained in Paragraph 16 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

17. In response to the allegations contained in Paragraph 17 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

18. In response to the allegations contained in Paragraph 18 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

19. In response to the allegations contained in Paragraph 19 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

20. In response to the allegations contained in Paragraph 20 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

21. In response to the allegations contained in Paragraph 21 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

22. In response to the allegations contained in Paragraph 22 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

23. In response to the allegations contained in Paragraph 23 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

24. In response to the allegations contained in Paragraph 24 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

25. In response to the allegations contained in Paragraph 25 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

26. In response to the allegations contained in Paragraph 26 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

27. In response to the allegations contained in Paragraph 27 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

28. In response to the allegations contained in Paragraph 28 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

29. In response to the allegations contained in Paragraph 29 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

30. In response to the allegations contained in Paragraph 30 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

31. In response to the allegations contained in Paragraph 31 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

32. In response to the allegations contained in Paragraph 32 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

33. In response to the allegations contained in Paragraph 33 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

34. In response to the allegations contained in Paragraph 34 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

35. In response to the allegations contained in Paragraph 35 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

36. In response to the allegations contained in Paragraph 36 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

37. In response to the allegations contained in Paragraph 37 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

38. In response to the allegations contained in Paragraph 38 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

39. In response to the allegations contained in Paragraph 39 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

40. In response to the allegations contained in Paragraph 40 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

41. In response to the allegations contained in Paragraph 41 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

42. In response to the allegations contained in Paragraph 42 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

**COUNT I SECTION 523(a)(4) DEBT IS A RESULT OF MONEY DEFENDANT  
OBTAINED THROUGH FRAUD AND DEFALCATION WHILE ACTING IN A  
FIDUCIARY CAPACITY**

43. In response to the allegations contained in Paragraph 43 of the Plaintiff's Complaint, Defendant repeats and incorporates by reference the answers to the allegations contained in paragraphs 1 through 42 of this Answer as if fully rewritten herein.

44. In response to the allegations contained in Paragraph 44 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

45. In response to the allegations contained in Paragraph 45 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

**COUNT II OBJECTION TO DISCHARGEABILITY UNDER 11 U.S.C. 523(a)(6)**

46. In response to the allegations contained in Paragraph 46 of the Plaintiff's Complaint, Defendant repeats and incorporates by reference the answers to the allegations contained in paragraphs 1 through 45 of this Answer as if fully rewritten herein.

47. In response to the allegations contained in Paragraph 47 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

48. In response to the allegations contained in Paragraph 48 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

49. In response to the allegations contained in Paragraph 49 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

**COUNT III 11 U.S.C. 523(a)(2)(A) – DEBT IS A RESULT OF MONEY DEFENDANT OBTAINED BY FALSE PRETENSES, MISREPRESENTATIONS AND FRAUD**

50. In response to the allegations contained in Paragraph 50 of the Plaintiff's Complaint, Defendant repeats and incorporates by reference the answers to the allegations contained in paragraphs 1 through 49 of this Answer as if fully rewritten herein.

51. In response to the allegations contained in Paragraph 51 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

52. In response to the allegations contained in Paragraph 52 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

53. In response to the allegations contained in Paragraph 53 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

54. In response to the allegations contained in Paragraph 54 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

55. In response to the allegations contained in Paragraph 55 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

**COUNT IV AN AWARD OF ATTORNEYS' FEES TO PLAINTIFF**

56. In response to the allegations contained in Paragraph 56 of the Plaintiff's Complaint, Defendant repeats and incorporates by reference the answers to the allegations contained in paragraphs 1 through 55 of this Answer as if fully rewritten herein.

57. In response to the allegations contained in Paragraph 57 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

58. In response to the allegations contained in Paragraph 58 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

59. In response to the allegations contained in Paragraph 59 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

60. In response to the allegations contained in Paragraph 60 of the Plaintiff's Complaint, Defendant invokes his Fifth Amendment right against self-incrimination.

61. The "WHEREFORE" paragraphs which immediately follow the paragraph designated as "60" of the Complaint state a demand for relief to which no responsive pleading is required.

**As and For Defendant's First Affirmative Defense**

62. The allegations contained in Plaintiff's Complaint fail to state any claim or cause of action upon which relief may be granted as against the Defendant, and must be dismissed.

**As and For Defendant's Second Affirmative Defense**

63. Each Cause of Action in the Complaint is time-barred by the applicable statute of limitations.


**As and For Defendant's Third Affirmative Defense**

64. The Plaintiff's claims are barred, in whole or in part, by the doctrine of unclean hands.

**WHEREFORE**, Defendant Roman Sledziejowski respectfully requests the action herein be dismissed in its entirety and Defendant be granted the costs, expenses and disbursements resulting from this litigation, and for such other and further relief as this Court may deem just, necessary and proper.

**Dated:** May 16, 2013  
White Plains, New York

Respectfully submitted,  
**Garvey, Tirelli & Cushner, Ltd.**

By:   
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